


IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ROME DIVISION

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FEB 23 2004

LUTHER D. THOMAS, Jr. Clerk
By:  Deputy Clerk

IN RE: Tri-State Crematory Litigation

MDL Docket No. 1467

Carol A. Bechtel, et. al.,

Plaintiffs,

v.

Tri-State Crematory, Inc., et. al.,

Defendants.

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CIVIL ACTION

FILE NO. 4:02-CV-041-HLM

MARSH DEFENDANTS' FOURTH AMENDMENT TO THE
PRETRIAL ORDER

COME NOW, the Marsh Defendants and file this fourth amendment
to their portion of the pretrial order:

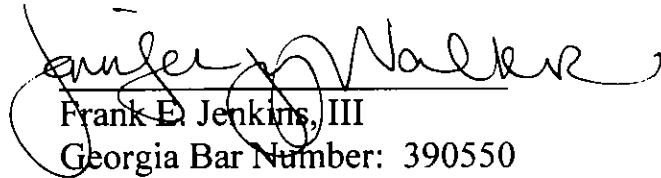
1.

The Marsh Defendants add the attached as Attachment "D" listing
relevant cases, statutes and regulations.

This the 23rd day of February, 2004.

Respectfully Submitted,

JENKINS & OLSON, P.C.

A handwritten signature in black ink, appearing to read "Jennifer Joy Walker", is written over a horizontal line. The signature is fluid and cursive.

Frank E. Jenkins, III

Georgia Bar Number: 390550

Jennifer Joy Walker

Georgia Bar Number: 732263

15 South Public Square
Cartersville, Georgia 30120
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ATTACHMENT "D" TO PRETRIAL ORDER

Marsh Defendants' Applicable Statutes and Case Law

1. O.C.G.A. § 43-18-1 through 43-18-79 (including earlier statutory versions);
2. O.C.G.A. § 51-1-2;
3. O.C.G.A. § 51-2-4;
4. O.C.G.A. § 51-2-5;
5. Regulations governing funeral homes and crematories in Georgia from 1988 to 2002;
6. Amos v. City of Butler, 242 Ga. App. 505, 506, 529 S.E.2d 420, 421 (2000);
7. Board of Regents v. Oglesby, No. 103A137, 2003 WL 22746216 (Ga. Ct. App. Nov. 21, 2003);
8. Corp. of Mercer University v. National Gypsum Co., 258 Ga. 365, 368 S.E.2d 732 (1988);
9. Dry Storage Corp. v. Piscopo, 249 Ga.App. 550 S.E.2d 419;
10. Flanders v. Garlock, Inc., 2003 WL 22697241 (S.D.Ga. 2003);
11. Grijalava v. U.S., 289 F.Supp.2d 1372 (M.D.Ga. 2003);
12. Hang v. Wages & Sons Funeral Home, Inc., 262 Ga. App. 177, 585 S.E.2d 118 (June 19, 2003);
13. Harris v. Wall Tire Co., 197 Ga. App. 818, 399 S.E.2d 580 (1990);

14. Hodges v. Putzel Electric Contractors, 260 Ga. App. 590, 580 S.E.2d 243 (2003);
15. Jackson v. Post Properties, Inc., 236 Ga. App. 701, 513 S.E.2d 259 (1999);
16. Johnson v. American Nat'l Red Cross, 253 Ga.App. 587, 569 S.E.2d 242 (2002);
17. Johnson v. American Nat'l Red Cross, 276 Ga. 270, 578 S.E.2d 106 (2003);
18. Mears v. Gulfstream Aerospace Corp., 225 Ga. App. 636, 484 S.E.2d 659 (1997);
19. Metlife v. Wright, 220 Ga. App. 827, 470 S.E.2d 717 (1996);
20. Mitchell v. Austin, 261 Ga. App. 585, 587, 583 S.E.2d 249, 251 (2003);
21. Russaw v. Martin, 221 Ga. App. 683, 472 S.E.2d 508 (1996);
22. Ryckley v. Callaway, 261 Ga. 828, 829, 412 S.E.2d 826, 826 (1992);
23. Sletto v. Hospital Authority of Houston County, 239 Ga. App. 203, 521 S.E.2d 199 (1999);
24. Smith v. Poteet, 127 Ga. App. 735, 195 S.E.2d 213 (1972);
25. Whitaker v. Jones, McDougald, Smith, Pew Co., 69 Ga. App. 711(1), 26 S.E.2d 545 (1943);
26. Wilson v. Mallard Creek Holdings, 238 Ga. App. 746, 519 S.E.2d 925 (1999);

27. Bauer v. North Fulton Medical Center, Inc., 241 Ga. App. 568, 527 S.E.2d 240 (1999);
28. Habersham Memorial Park, Inc. v. Moore, 164 Ga. App. 676, 297 S.E.2d 315 (1982);
29. Hill v. City of Fort Valley, 251 Ga. App. 615, 554 S.E.2d 783 (2001);
30. McNeal Loftis, Inc. v. Helmey, 218 Ga. App. 628, 462 S.E.2d 789 (1995);
31. Pollard v. Phelps, 56 Ga. App. 408, 193 S.E. 102 (1937);
and
32. Rivers v. Greenwood Cemetery, 194 Ga. 524, 22 S.E.2d 134 (1942).

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of the within and foregoing **Marsh Defendants' Fourth Amendment to the Pretrial Order** upon all parties to this matter by depositing a true copy of same in the United States Mail, proper postage prepaid, addressed to counsel of record as follows:

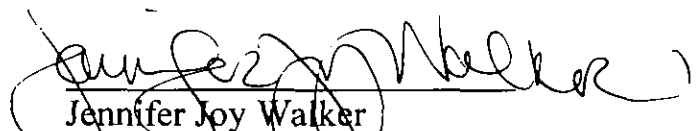
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This the 23rd day of February, 2004.

JENKINS & OLSON, P.C.


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